THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.618 OF 2006

Dated: 06-01-2006

Between

Mohd Nazeemuddin,

S/o. Mohd Sirajuddin,

Occ: Business,

R/o. Nednur village,

Kandukur Mandal

Ranga Reddy District.

...PETITIONER

AND

The Joint Collector,

Ranga Reddy District,

Office at Lakdikapul,

Hyderabad and

others.

...RESPONDENTS

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader.

Learned counsel for the petitioner submits that petitioner is the owner of the vehicle bearing No. AP 13 V 8976, which has been hired by one A. Yadagiri, fair price shop dealer for the purpose of transportation of essential commodities. While so, the second respondent inspected the shop of the fair price shop dealer on 28.09.2005 and seized the said vehicle and filed a report under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act'). The Joint Collector – first respondent initiated proceedings under Section 6-A of the Act and during the pendency of the said proceedings the petitioner filed an application for interim custody of the said vehicle. Pursuant to the representation of the petitioner dated 26.11.2005 the first respondent vide his letter No.A7/490/2005 dated 29.12.2005 informed the petitioner to produce bank guarantee equivalent to 50% of the market value of new vehicle, since the vehicle carrying essential commodities itself is liable to be confiscated.

This Court is of the opinion that under Section 6-A (c) second proviso of the Act even if ultimately the 6-A proceedings end against the petitioner confiscating the said vehicle the petitioner is liable to pay the value of the essential commodities being carried in the said vehicle at the time of seizure. Therefore, if the petitioner furnishes bank guarantee to the full value of the goods seized at the time of seizure of the vehicle, the vehicle may be released in favour of the petitioner subject to imposing certain conditions that he shall not sell or alienate or alter the nature of the vehicle and that he shall produce the vehicle before the authorities as and when required etc.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

January 6, 2006

DSK